

REMARKS

Claims 1-10 remain in the application; claims 11-26 are withdrawn from consideration.

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Non-Final Office Action dated July 16, 2003 has been received and its contents carefully reviewed.

Applicants thank the Examiner for approving the drawings filed on February 21, 2001.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,055,899 to Wakai, et al. (hereinafter "Wakai"). Applicants amend claim 10 to correct a minor editorial error.

Claims 11-26 are withdrawn from further consideration in this application after the election of species of July 2, 2003 (Paper No. 7).

The rejection of claims 1-10 is respectfully traversed and reconsideration is requested. Claims 1-10 are allowable over the cited references in that each of these claims recites the combination of elements in claim 1 including, for example "a second insulating layer on the third conductive layer, the second insulating having a hole exposing a portion of the third conductive layer" and "a fourth conductive layer on the second insulating layer and electronically contacting the third conductive layer." None of the cited references, including Wakai, singly or in combination, teaches or suggests at least this feature of the claimed invention.

The structure of claim 1 of the present invention is different from the structure of Wakai in that Wakai does not disclose or suggest "the second insulating layer having a hole" or "a fourth conductive layer on the second insulating layer and electrically contacting the third conductive layer".

The Examiner alleges that Wakai discloses the second insulating layer as reference numbered 118 of Fig. 8. Applicants respectfully disagree. Layer 118 does not include a hole as claim 1 requires. Therefore, layer 118 is not a "second insulating layer exposing a portion of the third conductive layer" as claim 1 requires.

Furthermore, the Examiner alleges that reference number 110 of Fig. 8 of Wakai discloses the fourth conductive layer recited in the claim. Applicant's respectfully disagree. Claim 1 requires that the fourth conductive layer be "on the second insulating layer and electrically contacting the third conductive layer". Wakai does not disclose or suggest this. Even if, assuming *arguendo*, that layer 110 corresponds to the fourth conductive layer, Fig. 8 shows quite clearly that no part of layer 110 is both located on layer 118 or is electrically contacting layer 106a or layer 107a. Therefore, Wakai does not disclose or suggest at least this feature of the claim either.

Accordingly, Applicants respectfully submit that claim 1, and claim 2-10 which depend from claim 1, are allowable over the cited reference. Applicants believe the foregoing amendment and remarks place the application in a condition for allowance and early favorable action is hereby solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.


If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the

filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Date: October 16, 2003

Respectfully submitted,

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